

**Washington State Board of Education Meeting
March 12, 2015 Public Input**

My name is Lynne Tucker and I'm a K-12 policy advocate and parent of a student with disabilities who dropped out after 10th grade from one of the state's best high schools. She left because of "unmet needs in both academics and special education" and went on to UW's early entrance program while receiving special ed. services...Her disability needs were not academic.

I am here for the many families who have children with disabilities, in special education, on 504 plans, being homeschooled, or are unidentified, totaling **more than 165,000 students** across the state who are not being educated by our public education system.

WA's Poor Special Education Trends

Research studies and industry experts report approximately 70-80% of special education students have disabilities that don't prevent them from learning or achieving standards. However, our special ed. data being annually reported to the USDOE paint an entirely different story.

In your handouts, you have been given the data on Washington's special education trends annually reported to the USDOE by OSPI. Included are areas that directly intersect with general education, and are not exclusive to special education. Each data point represents information reviewed annually by Washington's Special Education Advisory Council (SEAC), the legislated council required under federal law to identify and report unmet needs for students with disabilities.... this group should have compiled this data and made appropriate recommendations to the Superintendent and SBE for improvements, as they are legislatively charged to do.

SEAC has not served our state as is done in other states... Our SEAC's bylaws and practices:

- Don't align with federal regulations
- Don't follow public meeting rules for their three meetings annually.
- Key positions remain unfilled with OSPI's well-reported "hand selection process".
- With no term limits, select members have remained on the council for more than 9 years.
- SEAC is used as a perfunctory group to "cover special ed. engagement", essentially checking the box for the state's federal applications and submissions.
- Public trust for SEAC is diminished.

Unfortunately, SEAC is viewed by many, as a defunct group. And despite the sentiments of a few old friends who have received OSPI special ed. contracts in the past, there are overriding public concerns with any expansion of SEAC's role or giving them any more responsibilities, such as the purveyor of best special education practices when they have failed at identifying the long-standing trends with poor student outcomes!

With OSPI's monocular focus on compliance, special education achievement was overlooked and yet OSPI continues to struggle with their primary directive for district compliance, as seen in Seattle's long-standing issues reported to the state as early as 2007... so Seattle should have come as no surprise to anyone.

New Special Ed Focus-Results driven Accountability RDA

In June 2013, OSPI was notified of the new federal direction for states that includes compliance as well as results driven accountability (RDA) to improve performance in special education achievement. As cited in research, the feds also believe that the disabilities are not to blame for special education achievement/opportunity gaps.

Washington's poor special ed. performance has long been overlooked by OSPI and SEAC and our state does not have the infrastructure, operational expertise, or identified resources in place to improve special ed. outcomes. The narrative that has been put into the Governor's proposed budget will not address the state's move to RDA, will not improve special ed. outcomes, and will not get the job done!

ESSB 5941 aligns with the new direction for RDA

With SBE's legislative charge for education health indicators, it was reassuring to see that the data is being disaggregated by groups to include special education and 504 plan students. Many parents and stakeholders applaud SBE for its leadership and are thankful for their outreach to outside groups to help in developing recommendations to improve all students' outcomes.

In looking at my other handout "Recommended Reforms", from an earlier SBE presentation, there seems to be a void on what outside group has provided expertise and input for recommendations to improve education outcomes for students with disabilities. The ESSB 5941 Recommended Reforms presented don't necessarily reflect what students with disabilities need to improve outcomes and require far more intentional work... what applies for all students does not necessarily fill the bill for improving our significant disability gaps.

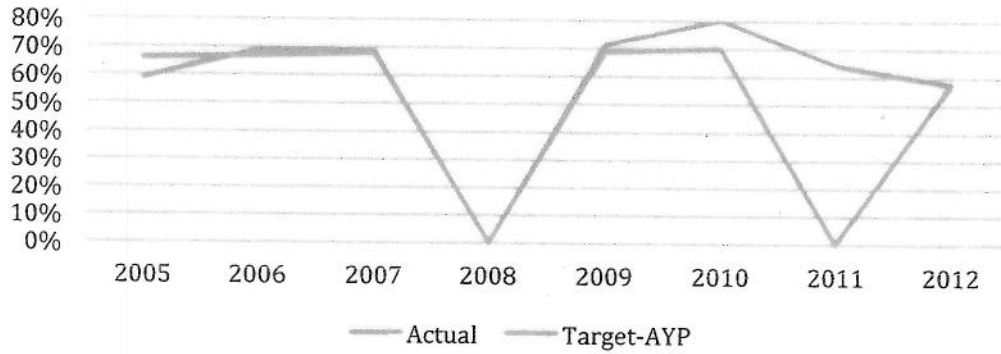
Currently, there is not a group listed on this page who is currently doing this reform work for students with disabilities, while OSPI and SEAC do not have an infrastructure or operational capacity to move us into RDA or to recommend reforms. This presents a unique opportunity for SBE to fulfill its 5491 charge by creating a group to authentically address this urgent need!

For those 165,000+ students with disabilities across the state, I am requesting that SBE take this challenge on and like ELL, start a work group that can provide trends and practices to inform board decisions and policies that impact students with disabilities. Modeled after the OEO report to the legislature, we need a fresh start with an unbiased group who can think outside the box on how we can improve special ed. outcomes. Washington State has run out of time ...and we can no longer kick the special ed. can down the road by doing it the same way we have done for the last 15+ years.

Thank you for your thoughtful consideration of the educational needs of all students in Washington State.

WA Graduation Rate for Special Ed.

(OSEP Monitoring for FFY2005-2012)



Notes:

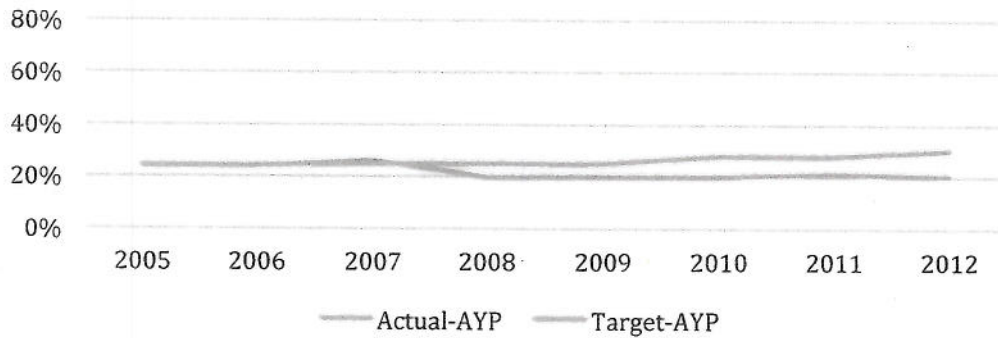
FFY 2008: OSEP reported WA State indicator and measurement language changed.

Actual and Target were not reported and cannot determine progress.

FFY 2011: WA reported a new baseline data and no Target score was submitted.

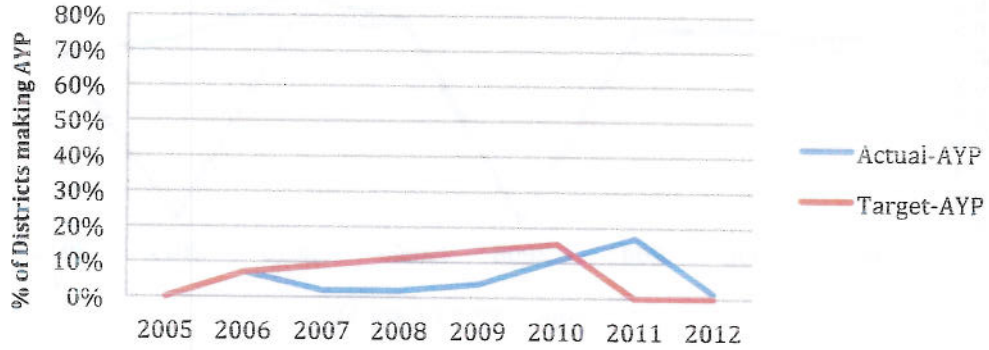
% WA Special Ed. Parents report involved in child's ed. Grades 3-8 & 10

(OSEP Monitoring for FFY 2005-2012)



WA Districts making AYP for Special Ed. Grades 3-8 & 10

(OSEP Monitoring for FFY2005-2012)



Notes:

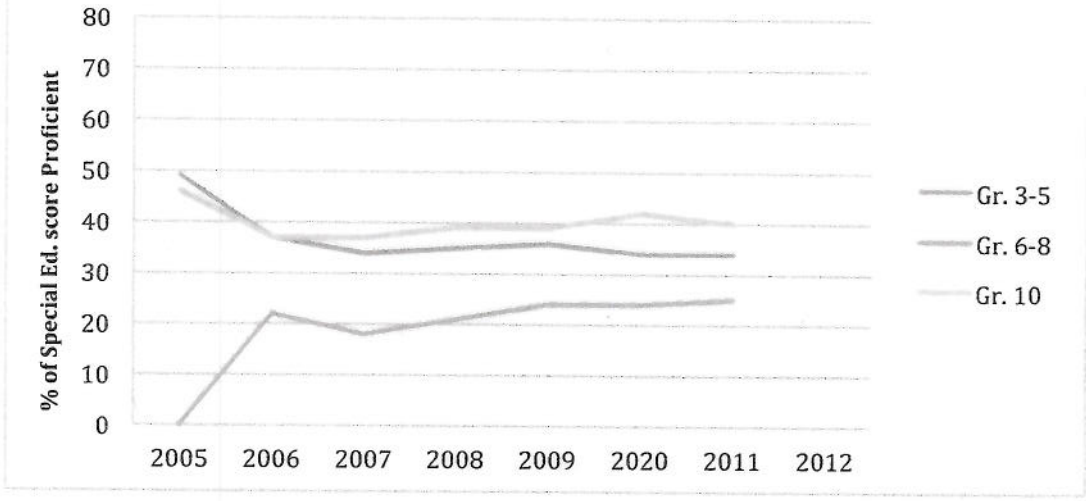
FFY2005: Only Gr. 4 Reading and Math AYP reported; 0 was submitted for 7th grade with no report for Gr. 10 in any content area. OSEP noted progress towards AYP could not be determined and 0 was entered

FFY 2011: OSEP reported a "change in indicator that WA State was reporting." No Target score was submitted by WA. The indicator lowered rigor which OSPI indicated was done with public input.

FFY2012: Data collapsed into one Actual and Targets data score for ALL grades in Reading and in Math. No Target score was submitted by WA. The data aggregation will **not show** the specific grades where special education student achievement gaps are growing.

Only 1.5% of WA School districts made AYP.

**WA Special Ed. Achievement
Gr. 3-8 & 10: Reading
(OSEP Monitoring FFY 2005-2011)**



Notes:

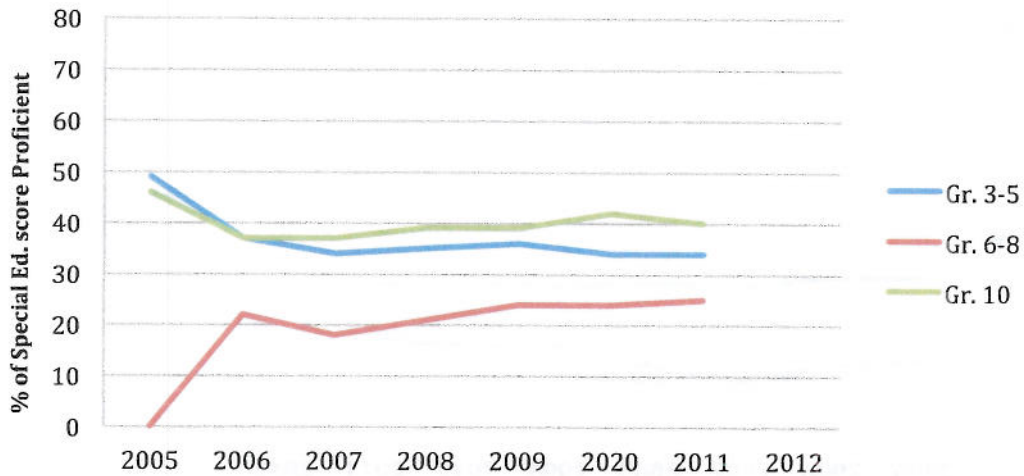
FFY 2005: Had no reported Actual or Target data for Grade 7-reading. Only Grade 7 Math scores were reported.

FFY 2006-2011: Reported one score each for Grade Bands of 3-5 and 6-8. OSPEP noted it was unclear whether WA made progress because of aggregation of scores.

FYFY 2011: OSEP reported a "change in indicator that WA State was reporting." The indicator lowered rigor, which OSPI indicated was done with public input.

FFY 2012: All three grade band's data for grades 3-5, 6-8, and 10 were collapsed into one Actual (31.7%) and Target (41.4%) data score for Reading and one Actual (26.8%) and Target (36.1%) data score for Math. This data aggregation was not used because it will not show the specific grades where Special Ed student achievement gaps are growing.

**WA Special Ed. Achievement
Gr. 3-8 & 10: Reading
(OSEP Monitorng FFY 2005-2011)**



Notes:

FFY 2005: Had no reported Actual or Target data for Grade 7-reading. Only Grade 7 Math scores were reported.

FFY 2006-2011: Reported one score each for Grade Bands of 3-5 and 6-8. OSPEP noted it was unclear whether WA made progress because of aggregation of scores.

FYFY 2011: OSEP reported a "change in indicator that WA State was reporting." The indicator lowered rigor, which OSPI indicated was done with public input.

FFY 2012: All three grade band's data for grades 3-5, 6-8, and 10 were collapsed into one Actual (31.7%) and Target (41.4%) data score for Reading and one Actual (26.8%) and Target (36.1%) data score for Math. This data aggregation was not used because it will not show the specific grades where Special Ed student achievement gaps are growing.

Examples of Alignment of Partner Agency Strategic Plan Goals with ESSB 5491 Recommended Reforms

Recommended Reform

Partner Agency Goals

Expand access to high quality early childhood education.

Department of Early Learning
Goal: Provide voluntary, high-quality early learning opportunities for children and families in Washington

Expand and fully fund high quality professional learning.

Equal Opportunity Gap Oversight and Accountability Committee
2014 Recommendation: Enhance the cultural competence of current and future educators and classified staff

Increase access to high quality expanded learning opportunities.

Office of Superintendent of Public Instruction
Draft Perf. Indicator Goal: Increase by 2 percentage points students meeting standard on statewide 3rd and 8th-grade English and math assessments, and 8th grade science assessment.

Expand High School and Beyond planning for high school students.

Workforce Training and Education Coordinating Board
High Skills High Wages Goal: Multiple pathways for first careers
Objective 1: Improve availability and quality of career and education guidance for students in middle school, high school, and postsecondary institutions.
State Board of Community and Technical Colleges
Goal: Student success - Provide smooth transitions from K12 to colleges and universities.

Washington Student Achievement Council

Draft Recommendations: Provide greater access to work-based learning opportunities; Build bridges from high school to college and careers through dual-credit programs.



Why Address Poor Education Outcomes for Students with Disabilities and those receiving Special Education?

There are longer-term fiscal and societal impacts for not educating our students with disabilities. With over-reliance on state-supported services for survival, Washington's individuals with disabilities are not set-up for independence ... which starts in our K-12 education.

- Americans with disabilities faced 82% unemployment rate, significantly higher than the 33% experienced by general population. (US Dept. of Labor May 2012)
- In 2012, Washington State's employment rate for individuals with disabilities ages 18 to 64 years living in the community was 35.7 percent, while the employment rate for individuals without disabilities ages 18 to 64 years living in the community was 74.3 percent—**an employment gap of 38.7 percentage points.** <http://www.disabilitycompendium.org/compendium-statistics/employment/2-9-employment-gap---civilians-ages-18-64-years-living-in-the-community-for-the-u-s->
- Even among participants seeking work, the unemployment rate for individuals with disabilities is 167% of that of non-disabled populace. (US Dept. of Labor 2010)
- While persons with disabilities make up just 13.3% of Washington State's population, they make-up 62.4% of Washington's unemployed. (CPASS 2009)
- Furthermore, in 2009, 38% of those individuals who were homeless and sought emergency or transitional housing had a disability. (HUD 2010)
- In 2012, of Washington State's the 440,280 individuals with disabilities (ages 18 to 64 years) who were living in the community, 116,857 individuals lived in poverty—a poverty rate of 26.5.2 percent. In contrast, of Washington State's 3,844,794 individuals without disabilities ages 18 to 64 years living in the community, 440,101 individuals lived in poverty—a poverty rate of 11.4 percent. <http://www.disabilitycompendium.org/compendium-statistics/poverty/4-1-poverty-civilians-with-disabilities-ages-18-64-years-living-in-the-community-for-the-u-s->
- For Washington's individuals with disabilities (ages 16 years and over) living in the community that had earnings from work, 2012 median earnings were \$21,824. In contrast, among Washington's individuals without disabilities (ages 16 years and over) living in the community that had earnings from work, 2012 median earnings were \$32,548—**an earnings gap of \$10,327.** <http://www.disabilitycompendium.org/compendium-statistics/earnings/5-1-median-earnings-of-civilians-16-years-and-over-in-the-past-12-months-for-the-u-s->

Not educating students with disabilities and those receiving special education services, leads to lost contribution to society, decreased effectiveness of our workforce, and increased taxpayer's dollars.

Washington's biggest barriers to post-secondary successes remain our poor K-12 outcomes.

Washington's College & Career Readiness Story: What's beyond high school for students with disabilities?

For special education students, they are general education first, and are to receive special education to help them succeed. The data, however, reveals a story of barriers.

In some of Washington's highest poverty school districts, like the Road Map Region, 10th grade special education students have significantly failed to meet grade standards.

2012-13 OSPI Report Card: 10th grade Special Education Students in Road Map

<u>State/Local Education Agency</u>	<u>Special Ed. Enrolled (% of total enrolled)</u>	<u>10th Gr. Reading: Did Not Meet</u>	<u>10th Gr. Algebra 1: Did Not Meet</u>
Washington	136,099 (13.0%)	49.7 %	87.1 %
Auburn	1,734 (11.7%)	55.7 %	90.4 %
Federal Way	2,963 (13.4%)	66.4 %	96.1 %
Highline	2,763 (15.1%)	66.2 %	88.4 %
Kent	3,181 (11.6%)	63.8 %	93.7 %
Renton	2,151 (14.4%)	51.5 %	77.5 %
Seattle (all district)	7,434 (14.7%)	44.7 %	90.0 %
Tukwila	273 (9.2%)	58.8 %	92.9 %

- Only 50% of special education and students with disabilities leave high school with a standard diploma. (*Center for Public Education*) In Washington State, only 54% graduate.
- Washington Special Education students have significant drop-out rates, more than any other protected subgroup under NCLB reporting. Yet there has been little discussion as to why.
- In 2010, per OSPI data reported under IDEA, students receiving special education did not meet state performance targets for enrollment in post-secondary education/training or competitive employment. <http://www.k12.wa.us/specialed/Data/default.aspx>
- Of those special education and students with disabilities who graduate from Washington high schools, only 64.2% enroll in post-secondary education/training immediately. (*HECB 2012*)
- Nationwide, students with disabilities make up 6% of the post-secondary undergraduate student population. (*UW DO_IT program*)
- Nationally, of the 700,000+ students with disabilities who enroll in post-secondary education, the majority (over 70%) have disabilities types (specific learning, ADD/ADHD, mobility, vision, hearing, etc.) **which do not prevent learning or graduating from college.** <http://www.washington.edu/doit/Faculty/Strategies/Disability/>

In Washington State, special education and students with disabilities are not authentically included in education reforms, closing the opportunity gap, improving graduation rates, and college and career readiness opportunities....**Poor K-12 outcomes prevent postsecondary success.**

Response to Concerns with Special Education Lawsuits

Prepared by Jill Geary, former state judge for special ed. hearing

Narrative

My name is Jill Geary and I served as an administrative law judge (ALJ) for the Washington State Office of Administrative Hearings (OAH) from 1997 to 2003. For my last years at OAH, I was the Lead ALJ for the hearings offered by the Office of the Superintendent of Education, including Special Education Due Process Hearings.

It is my recollection that during my tenure as an ALJ for OSPI, filings for hearing ranged from 80-100 per year. As a rule of thumb approximately 90% of all cases settled, with 10% going to due process hearings.

Since leaving the OAH, I have worked as an attorney for parents in special education matters, and have provided trainings in special education law addressed to hearing officers/ALJs, parents, and teachers. It is my experience that parents of children with disabilities have very little interest in suing their school districts and will only do so as a last resort, usually after years of attempted negotiation. Families with children with disabilities and other special needs tend not to have the extra time or resources needed for litigation. Nor do they have the emotional reserves necessary for such a tremendously stressful process.

These families hope to partner with their school staff for the betterment of their children. I have never met a family that believed a law suit was the first or most effective means to improving their child's education within the public schools. Anyone who alleges otherwise is simply out of touch with the reality of these families' lives.

Data Summary

Based on a review of records received from the Office of Administrative Hearings pursuant to a public records request made in December 2014, set out below, the data also does not support the contention that the formation of a Statewide Task Force to identify and monitor the educational outcomes for special education and special needs students would result in an increase in litigation.

To the contrary, there was a drop in hearing requests between 2013 (116 total) and 2014 (95 total), even though there was a substantial amount of press about the problems in special education. This leads me to believe, if anything, parents were willing to forego a lawsuit even when there was admitted legal problems when it appeared that the problems were being identified and there was a possibility of their being corrected.

Washington State Office of Administrative Hearing Count from 2010 - 2014

Year	Number of Hearings		Seattle
	Filed Statewide	Hearings Held	Filed/Held
2014	95	4*	20/1/6 pend
2013	116	15	16/3
2012	104	12	17/4
2011	97	10	12/0
2010	44		